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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JUBA JR, JOHN

ART UNIT PAPER NUMBER

2872

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/722,983

Applicant(s)

LO, KAM CHU

Examiner

John Juba, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 8 – 14 are objected to because of the following informalities: A typographical error appears in claim 8 (about line 13, after “vertical plane”). The claim has been construed as being further limited by the four lines of text thereafter and preceding claim 9. Appropriate correction is required.

Claims 9 – 14 are objected to as inheriting the same informality through their dependency from claim 8.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahin (U.S. Patent number 4,258,979). Referring to the discussion of Figures 10 and 11 (especially Col. 17, lines 44 – 68), Mahin discloses a an automotive review mirror comprising

a primary reflective surface (the planar, central section of portion 24b') and three secondary reflective surfaces (center section of 24a'),(30) & (32), respectively,

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the mirror having a normal positionment wherein the primary reflective surface has a vertical orientation,

the primary surface being flat in both the vertical plane and the horizontal plane thereby generating an undistorted image (Col. 9, lines 17 – 35),

the secondary reflective surface comprising a first relatively large reflective surface (the centermost portion of section 24a'; see Fig. 8a), and second (30) and third (32) relatively small reflective surface,

the first reflective surface being contiguous to the primary reflective surface (as shown in Fig. 10 and as sections 24a & 24b in Fig. 8a), said second and third reflective surfaces being contiguous with the first surface,

said first secondary reflective surface having a curved convex curvature in the horizontal plane (as discussed in connection with section 24a in Fig. 8) and a flat configuration in the vertical plane (for the central region of 24a'), whereby the image generated by the first secondary surface is *inherently* undistorted in the vertical plane,

said second reflective surface (30) extending downwardly from said first reflective surface; said third reflective surface (32) extending upwardly from said first reflective surface, and said second and third reflective surface having curved convex curvatures in the vertical plane (as shown in Fig. 11).

With regard to claims 9 and 10, the smooth, uninterrupted character of the two primary and first secondary surfaces is best seen in Figure 8a (as discussed in connection with surfaces 24a and 24b). The examiner believes that there is and infinitesimally narrow

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line of tangency extending in the vertical direction where the plane surface intersects the horizontally curved first secondary surface.

With regard to claims 11 and 12, the smooth, uninterrupted character of the first and second (secondary) reflective surfaces with respect to the first secondary surface is best illustrated in Figure 11. The first secondary surface is tangent to the curve of the second and third secondary surfaces at a collection of points in three-space.

With regard to claim 14, as discussed in connection with Figure 12, the mirror is positionable outside a vehicle near the front door (see also Col. 3, lines 24+). Although Mahin discloses mounting the mirror to a “side” of the vehicle, the mirror is *inherently capable* of being positioned (*i.e.*, “positionable”) on a front door of the vehicle, even if only held there temporarily by the installer prior to installation elsewhere. That is, there is no recitation in the claim of structure specifically adapted for mounting the mirror to a door, as opposed to the side of a vehicle.

Similarly with regard to claim 13, the mirror is *inherently* “positionable” within a vehicle behind the front windshield, simply by laying it on the dashboard of the vehicle. There is no recitation in the claim of structure specifically adapted for mounting the mirror within the vehicle at such a location.

### ***Allowable Subject Matter***

Claims 1 – 7 are allowable over the prior art. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, taken alone or in combination, fails to teach or fairly suggest an automotive rearview mirror comprising a planar primary reflective surface and a convex secondary reflective surface comprising a first reflective surface having a trapezoidal shape and second and third reflective surfaces having a triangular shape, the surfaces having the curvatures recited, particularly wherein the second and third triangular surfaces of the secondary surface are contiguous with the first trapezoidal surface of the secondary surface, as recited in claim 1.

It will be appreciated that while a trapezoid is by definition a plane figure, the expression "trapezoidal" is fairly descriptive of a three-dimensional figure which appears to be a trapezoid in some projection. Similarly, while a triangle is a plane figure, as used in the present specification, "triangular" is fairly descriptive of a three-dimensional figure that appears to be a triangle in some projection.

#### ***Additional Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoegh (U.S. Patent Appl. Pub. no. 2003/0169521 A1) discloses a rear view mirror for mounting behind the windshield in a vehicle interior, the mirror having a flat primary surface and two secondary surfaces which are curved in a vertical plane, wherein at portion of the secondary surfaces can be identified as having curvature in the horizontal plane. There is no horizontally curved surface with having no curvature in the vertical plane.

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McColgan, et al (U.S. Patent number 5,557,467) disclose a rear view mirror for vehicle interior the mirror having a planar primary reflective surface and a secondary reflective surface which may be cylindrically or (slightly) spherically convex.

Kim, et al (U.S. Patent number 5,517,367) disclose a rear view mirror for vehicle interior having a planar primary viewing surface and a convex secondary viewing surface arbitrarily divisible into a trapezoidal portion joined by two triangular portions (among other portions).

Blom (U.S. Patent number 4,674,850) discloses a rear view mirror for vehicle interior the mirror having a planar primary reflective surface joined to secondary reflective surfaces which may be cylindrically or spherically convex.

Haile (U.S. Patent number 3,764,201) discloses a rear view mirror mounted on a vehicle door, the mirror having a planar primary viewing surface (8), first secondary reflecting surface (28) being curved in a horizontal plane, but not the vertical plane, and second (30) and third (29) triangular secondary reflecting surfaces contiguous with the first, and being convexly curved in a vertical plane.

Troendle (U.S. Patent number 2,857,810) discloses a vehicle interior rear view mirror with a planar primary reflecting surface and a secondary reflective surface which is curved in a horizontal plane only, but which may be conically curved (right circular cone).

SUZUKI EIJU (JP 55-106835A) disclose a side view mirror having primary and secondary reflective surfaces.

Japanese Showa S40-6148-Y discloses a side view mirror having primary and secondary reflecting surfaces of various convexities.

### ***Conclusion***

The examiner acknowledges Applicant's stated intention to prosecute this application *pro sé*. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The examiner acknowledges Applicant's status inquiry of September 30, 2004, and wishes to apologize if the Office has not responded. It is noted however, that Applicant requested a response by electronic mail (e-mail) over the Internet. USPTO employees are not permitted to initiate communications with applicant via Internet e-mail unless there is a written authorization of record in the patent application by the applicant. Please refer to MPEP 502.03 for a sample authorization form. Communications may be directed to the Office at the discretion of the Applicant.



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However, without written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A reply to this Office action may NOT be communicated by applicant to the USPTO via Internet e-mail.

Applicant is advised that the Manual of Patent Examining Procedure (MPEP) is available on-line at [www.uspto.gov](http://www.uspto.gov), via the "Patents" link. Click on "Guidance, tools & manuals", under "Guides . . .". The relevant statute (35 U.S.C. \_\_) and rules (37 CFR \_\_) referred to herein may be found at the same web site under "Law and Rules . . .".

This Office action sets a 3-month shortened statutory period for response. Extensions of time may be obtained under 37 CFR 1.136(a). In no case may the period for response be extended beyond the six-month statutory period for reply. The fees (e.g., for extensions of time and additional claims) are listed in 37 CFR 1.17(a). However, the manual may not have been updated as to the new fees, which just became effective February 1, 2005. The new fee schedule can be found on the Internet at:

<http://www.uspto.gov/main/howtofees.htm>

Applicant may wish to review MPEP 714, which describes the nature and requirements of a complete response to an Office action.

Applicant is advised that any amendments to the application papers must be made in compliance with 37 CFR 1.121. Note that the *new*, final rule is published in Federal Register Vol. 68, no. 125, June 30, 2003 at 38628:

<http://www.uspto.gov/web/offices/com/sol/notices/68fr38611.pdf>

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Applicant is reminded that any papers filed related to this application must be properly identified. See 37 CFR 1.5.


Applicant is advised that the benefit of timely filing is assured through the "Certificate of Mailing" practice described in 37 CFR 1.6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 - 5.

The centralized fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for *all* communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

  
**JOHN JUBA, JR.**  
**PRIMARY EXAMINER**  
**Art Unit 2872**

February 2, 2005